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TRANSFORMING CONFLICT INTERACTIONS IN THE WORKPLACE: DOCUMENTED EFFECTS OF THE USPS REDRESS™ PROGRAM

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Since its nationwide implementation in 1998, the United States Postal Service ("USPS") REDRESS™ program has achieved impressive results. Ongoing assessment research of the program has provided valuable quantitative measures of participants' assessments of the mediation process.¹ This research documents that parties who have participated in REDRESS™ mediations—both managers and employees—are highly satisfied with the program and believe it offers a constructive approach to addressing employment disputes in the workplace. These studies also indicate that REDRESS™ has been successful in achieving high participation rates in the program, in producing impressive case closure rates, and in reducing the overall number of Equal Employment Opportunity ("EEO") complaints initiated.

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This assessment research is helpful in establishing a global picture of the program’s success. It documents that disputing parties find the mediation process valuable and it suggests that employees’ participation in mediation may have “upstream effects.” The drop in EEO complaints suggests that the program positively alters co-worker and supervisor/employee relationships by strengthening people’s ability to handle conflicts on their own, thereby avoiding the need for adversarial complaint processes.

As useful as this assessment research is, it does not tell the whole story. Because of the quantitative goals of this assessment work, it has not provided detailed descriptive information about how conflict is transformed through the mediation process. In particular, it has not described what happens in mediation sessions that forms the basis for parties’ positive assessments of the process and contributes to the apparent upstream effects of the program.

The purpose of this research was to help fill this gap. The study reported here provides descriptive information about the changes that occurred in workplace conflicts through parties’ participation in mediation. Through intensive focus group interviewing with mediators and USPS specialists in the REDRESS™ program, the study offers a vivid qualitative picture of the shifts that occurred as parties addressed significant conflicts that arose in the workplace. Providing this picture is important in capturing the full value of the REDRESS™ program. Without having a sense of what actually happens during the mediation sessions themselves, there is no real basis for understanding the value that parties attribute to the process.

Moreover, the transformative model of mediation, on which the REDRESS™ program is based, places clear emphasis on the qualitative shifts that occur in parties’ conflict interaction. The likelihood that these shifts will occur depends upon actions of the mediator, and actions of the mediator depend upon their beliefs about, among other things, the goal of mediation. The goal of mediation according to the transformative approach is to support and facilitate parties’ efforts to shift their conflict


interaction through the opportunities for empowerment and recognition that arise as a conflict unfolds. The mediator's focus is on the parties' conflict interaction and the outcomes achieved through the process are contingent on the changes in interaction that occur between the parties. It is only by providing descriptive information about what happens in actual mediation cases that the transformative effects can be documented.

I. RESEARCH QUESTIONS

To achieve the objectives for this study, three main questions guided the research:

- How does the communication between disputing parties change during mediation?
- What do changes in conflict interaction look like in mediation sessions?
- What challenges do mediators face in mediating workplace conflicts and how do they overcome these challenges?

II. METHODOLOGY

A. Overview of the Research Method

Focus group interviews with USPS mediators and EEO/ADR specialists were held in three locations. Each participant had conducted or observed two or more mediation sessions since the program's inception. Participants were asked to describe mediation cases they conducted or observed where significant positive changes in the parties' interaction occurred. Interviewees in the focus groups were also asked to describe the challenges mediators faced in conducting the mediation sessions. These focus group interviews were then transcribed and analyzed. Thirty-four case studies were drawn from the interview transcripts. These case studies were written in narrative form and the major analytical points each case offered were identified. The main themes that emerged across these case studies were also summarized and the challenges mediators faced in conducting the interventions were identified.

B. Participants

The best source of data for capturing changes in parties' interactions during mediation would be video or audio recordings of mediation sessions. Such real-time data would provide the most accurate picture of
what actually transpired during the REDRESS™ sessions and thus reveal the transformations that occurred in parties’ conflicts. However, confidentiality restrictions prohibited audio or video taping actual mediation sessions in the REDRESS™ program. Similarly, in-depth interviews with the disputants themselves were not possible because of confidentiality restrictions and difficulties in gaining access to the participants for in-depth interviews.

Given these restrictions, relying on mediators and USPS specialists was the most viable approach for obtaining reliable accounts of the shifts in parties interaction that occur during mediations. There are several reasons for adopting this approach to data collection. First, mediators and specialists were able to provide first-hand accounts of cases they had conducted or observed. In the focus group sessions, both mediators and specialists had very little difficulty offering descriptions of cases where shifts in the parties' interaction had occurred. As part of their EEO assignments, specialists had been asked to observe mediations and to offer their assessments of these sessions. This work enabled them to recall as many details from cases as the mediators themselves. Second, the transformative model of mediation places a heavy emphasis on the mediator’s ability to monitor the small changes that occur as the conflict interaction unfolds in a session. The training mediators and specialists received on keeping their focus on parties’ interaction enabled them to provide a relatively high level of detail about the disputants’ communication and the changes in parties’ conflicts. Finally, both mediators and specialists were able to discuss challenges that arose in conducting the sessions. Mediators were able to describe the challenges they faced during the sessions and the specialists were able to identify challenges they saw mediators face when they observed and evaluated mediation sessions.

C. Data Collection

Focus group interviews were conducted at three different geographical sites following standard focus group methodology.4 An initial pilot study was conducted with two mediators in Grand Forks, North Dakota. This pilot study indicated that participants were able to recall and describe the details of specific cases they had mediated and to discuss challenges they faced in conducting the sessions. Primary data collection was conducted in two separate regions—Chicago, Illinois (Mid-

west) and Bellmar, New Jersey (Allegheny). In Chicago, six focus
groups were conducted by three researchers. In New Jersey, four focus
groups were conducted by two of the same researchers. A total of forty-
five REDRESS™ mediators and eleven EEO/ADR specialists partici-
pated in the focus group interviews. The three researchers who con-
ducted the interviews are social scientists who were familiar with the
REDRESS™ program and assisted with the mediators’ training. The fo-
cus groups were conducted with two to six participants in each session
and lasted from one to one and a half hours. All focus group discussions
were audio-recorded with the permission of the participants. Participants
were asked not to reveal any identifying information about the cases or
the disputants.

At the start of each focus group session, the researcher explained
the purposes of the study and asked the mediators and specialists to in-
troduce themselves. Focus group participants were then asked to discuss
three main questions. Follow-up questions and probes were asked to en-
courage elaboration of the examples and insights that participants pro-
vided. The main interview questions and probes were:

Can you describe any significant moments—points in a media-
tion—where you feel important positive changes in the parties’ commu-
nication occurred?

Follow-up probes included:
  What changes actually occurred?
  Why was this a significant moment?
  What do you think brought about the change?
  What was happening before the change took place?
  What happened after the change took place?

Can you describe any ways in which features of the transforma-
tive mediation process influenced the communication and conflict
among the parties?

What challenges have you faced in trying to mediate within the
transformative approach to practice?

D. Analysis of the Data

The audio tapes of all focus group discussions were transcribed.
The transcripts were then read by all three researchers. Case studies were
drawn from the transcripts and then rewritten in short narrative form.
The goal of the rewriting was to preserve as much as possible of the lan-
guage and description that the interviewees provided for each case ex-
ample, while editing any potentially identifiable characteristics of the
cases, as well as removing the non-fluencies and ellipses that often exist in conversational data. The rewrites produced coherent stories that were drawn from the interviewees’ case descriptions and remained true to the facts and tenor of these cases.

After writing and studying these narratives, the researchers then identified some key analytical insights that each case offered. Looking across the case studies, the researchers were also able to identify several key analytical themes that emerged in the data. Finally, the researchers summarized the most significant challenges mediators faced in conducting the mediations.

III. CASES AND COMMENTARY

On the following pages are descriptions of sixteen separate cases, selected to represent the different positive changes in the disputing parties’ interaction that the participants described. Each adheres to a chronological format—what happened that led to the complaint, what happened during the mediation, and what the outcome was. Direct quotations from the transcripts are indicated by quotation marks to denote a mediator’s or specialist’s account of the case. The case descriptions are set off in boxes and followed by several sentences of commentary, indicating key points from the case. Each of the cases and its commentary is presented on a separate page both to symbolize that there are important observations from each mediation and to enable the reader to more easily access the information in each case.

Directly following the cases is a description of the major themes that are present in the cases taken together. The themes portray the positive impacts of mediation that are consistently evident in the data. It is not essential that the individual cases be read prior to examining the themes. Indeed it may be instructive to read the description of the themes both before and after reading the case narratives.

5. These quotations will not be cited to protect the identity of the participants.
A. Bar Talk

For two years an employee wanted to change his craft. His goal was to become a maintenance worker. The union wrote a letter supporting this change but management did not approve the reassignment. As a result he filed a complaint.

During the mediation, the employee pressed his case and the supervisor defended his decision. In the course of the interaction, however, the two men began to discuss a prior confrontation during a social situation in a topless bar. The language in the mediation room began to match crude language commonly found in a bar. Although the discussion was at first tense, the very language the two men used allowed them to express themselves in a comfortable and straightforward way. It served to establish a communication link between the two of them. As they discussed the complaint further, the supervisor explained for the first time that the transfer had been denied because the employee was perceived as spending too much work time socializing with friends.

The supervisor suggested that the employee take six months to demonstrate that he could improve his work habits. The employee accepted this as the basis for an agreement and looked forward to being able to change his job assignment at that time.

The opportunity to use bar-talk language and shift the direction of their discussion, resulting from the openness of the mediation process, was crucial in this case. It reminded them of fundamental similarities between them. These similarities became the basis for addressing the workplace issues.

Once rapport was developed the supervisor was able to be frank with the employee about his work habits and changes that were needed to improve the situation.
B. If I Had to Do It Over Again

A line manager filed a complaint against an upper manager because he felt disrespected and treated like a child. The line manager opened the mediation by describing how he had been mistreated by the upper manager. He showed intense anger and hurt. The upper manager was defensive and cold. “I’m the boss. You’ve got five minutes of my time.” He admitted no wrongdoing and defended his actions.

The discussion went back and forth, with the line manager describing the upper manager’s offenses and the upper manager denying any violation of regulations. But as the conversation proceeded, a gradual change took place—the upper manager began to see how his actions, although within regulations, affected the line manager. Eventually, after five hours of face-to-face communication, the upper manager said: “I did nothing wrong, but if I had to do it over again, I would do it differently.”

This was the acknowledgment that the line manager had been seeking and they settled their differences.

Sometimes defensiveness is so strong that people have a difficult time seeing any view other than their own. The mediator helped the participants stay in the conversation, and eventually the upper manager came to an understanding of the effects of his actions on the line manager.

It is a huge step for some people to admit wrongdoing, especially for a supervisor to do so to a supervisee. The upper manager’s willingness to say he would do things differently provided a face-saving means for him to acknowledge there was a better way to deal with the line manager. The line manager understood what this meant. Mediation created the opportunity for this subtle form of communication to take place.
C. A Reason to Talk

An employee believed she was treated in a demeaning way by her supervisor in front of others during a meeting. She filed a complaint. The supervisor had prior negative interactions with the employee’s union representative, difficult enough that the supervisor had filed an unsuccessful defamation suit. At the time of the mediation, the supervisor claimed that her life was threatened by the union representative and had tried to get a restraining order. She did not want to be in the same building, let alone the same room, with the representative.

Prior to the mediation, the mediator met with both parties separately. In the session with the supervisor (and her boss), she was shaking and crying. “I don’t want him to talk to me and I don’t want him to talk about me.” The mediator talked with her about how she might communicate that to him and about what she would like to accomplish. In the meeting with the employee and the union representative, it was clear that the representative was angry with perceived management attempts to dictate who can attend the mediation and who can and cannot speak. The mediator interacted with the employee about her confidence in proceeding and she remarked that she had been well prepared by the representative. The pre-session meetings gave confidence to both parties.

The mediation began, and a frank, and often intense, interaction unfolded. They talked about the event that led to the complaint. The supervisor contended: “I had to get the message across, and, therefore, I had to say that you were childish and I was gonna treat you like a child if you acted that way, or if you continued to do something so that I couldn’t trust you.” The mediator asked her what she wanted the employee to understand. “Well, I wanted her to understand that I need cooperation when I’m not around. We’re under a lot of pressure to get the mail out, and I have to be able to take a day off once in a while, and depend on my workers.” The employee responded: “Well, if she’d have said that in the first place we wouldn’t even be here.” With this new awareness of the effect of her manner of communicating, the supervisor engaged the employee in a discussion of how they could relate more positively and clearly with one another in the future.

The case was settled, and as the supervisor’s boss left the room, he commented to the mediator: “That was a miracle!”

The pre-session caucus with the supervisor allowed her to discover
why she might want to communicate with the employee and her union rep despite her fears.

In the mediation session the supervisor articulated for the first time what she really wanted of the employee.

The clarity the employee and supervisor attained provided momentum for them to think about what was needed for clear communication in the future.
D. I Did It Myself

An employee reluctantly elected to pursue her complaint against a supervisor through mediation. She spent considerable time on the phone with the specialist prior to the mediation in an attempt to understand the mediation process. She was clearly apprehensive about entering the session.

When the mediation began the employee and the supervisor started to talk about the issues. Within a short time, the employee became increasingly upset and at one point blurted out: “I can’t deal with this anymore! I’m leaving.” The mediator acknowledged that this was one of her options—she could leave if she felt she needed to—and the employee quickly left the room. The paperwork for the session was being completed when there was a knock at the door. The employee stepped into the room and said: “You know, I came here to settle this and if I walk away, I can’t settle it. No one came to get me.” The specialist, who was also in the room replied to the employee’s comment saying “that’s because you need to make some decisions on your own.”

At that point the employee opened up. She said she was having problems emotionally but that she wanted to resolve the issues. The manager and employee continued talking and worked out an understanding about the concerns she had raised.

A few days following the mediation session, the employee saw the specialist at work, walked up to her, hugged her and said: “I was able to do it myself.”

This mediation offered the employee the opportunity to decide for herself whether and how she could address the conflict on her own. After overcoming considerable self-doubt, she was able to make decisions for herself and deal successfully with the conflict issues. She clearly felt proud of the steps she had taken to gain control over her problems at work.
E. Bottled Up Feelings

An employee believed that she was treated in an offensive manner by her supervisor, so she filed a complaint. However, as the mediation began, the employee was not able to express how the supervisor’s behavior was affecting her. As it was revealed later, she was concerned that the supervisor would just yell at her and start pointing fingers if she talked about her feelings. This limited interaction continued until the employee broke down and started crying. This provided the entry point for her to talk about how the negative interactions with the supervisor have affected her at home as well as at work. At this point, the supervisor got up, approached the employee, and gave her a hug, saying: “I never meant to affect you this way. If I’d known that this is how you were feeling about these things, this would never have happened.”

They quickly worked out a settlement.

The turning point in this conflict came when the employee expressed the depth of her feelings. The mediation gave her a sense of support that enabled her to overcome her concerns about the supervisor’s reactions and to express how she really felt.

The supervisor quickly came to understand the intensity of the employee’s reactions, and was clearly affected by this realization. This led to constructive next steps.
F. We Don’t Like Each Other

An employee filed a complaint against her supervisor because she believed the supervisor, who was relatively new to the position, singled her out for criticism, was verbally abusive to her, and did not give her the respect she deserved.

At the beginning of the mediation, the employee described her concerns about the supervisor. The supervisor responded that she believed the employee was trying to “manipulate the system.” The employee expressed surprise that this was her supervisor’s impression of her. The supervisor went on to say: “Look, I try to help you and the others all the time. You don’t know what I’m doing in the background.”

The conversation proceeded at length as the two gained greater and greater understanding of each other’s point of view. The supervisor eventually revealed that she believed the employee was a good worker but the way the employee did certain things bothered her. They talked about the power differential between the two of them. This increasing candor, brought on by greater and greater confidence, led to an insight they both expressed: “I don’t think you like me and I don’t like you.”

They realized that, despite these feelings, they needed to develop ways to work with one another. They talked about how they could indeed work with each other, and wrote up an extensive agreement.

The level of empowerment increased as the mediation unfolded so that they were able eventually to say some difficult things, and thus to express and clarify the concerns that underlay their relationship.

The frank conversation enabled them to come to grips with the reality of their situation. They were able to articulate and to separate the personal feelings they had toward one another as distinct from the capability they had of working with each other.
An employee had been missing work because of illness and was being disciplined by his supervisor for not following regulations regarding documentation of his illness. He believed he was being treated unfairly and filed a complaint.

The mediation began in a contentious fashion. The supervisor was upset that the employee was unreliable and exclaimed: “Look, we need somebody who is going to be able to come to work. You haven’t been able to do that.” The employee then became very emotional and began to tell the story of his experiences in Vietnam, and how just in the last two years had developed post-traumatic stress disorder. The supervisor responded: “Oh really? I was in Vietnam. I can relate to how horrible it was. What unit were you in?” The two shared experiences of their time during the Vietnam War. Eventually the supervisor said: “Look, I really understand. We’ll give you as much leeway as we possibly can on this.”

They worked out an arrangement for getting the proper documentation from the employee’s physician and how future sick days would be handled.

Mediation allowed an outburst of emotion that led to the discovery of a shared past, and this led the supervisor to a new and more sympathetic understanding of the employee.

The change in perspective led to the motivation to find workable solutions to real problems.
A craft employee was angered by what she perceived as differential treatment by her manager. She then filed a complaint.

As the mediation began, the employee presented her case by saying: “Here are my comparatives. Another employee has the same problem and you treated her differently. You know that I have also filed a grievance.” In making these remarks, she made no eye contact and instead just read from her notes. The manager responded defensively, explaining what she had done and why she had done it. This exchange of facts went on for a period of time with little acknowledgment of each other.

At one point the discussion triggered memories of the prior relationship the employee and supervisor had. The supervisor looked directly at the employee and said: “Do you remember when you had that difficult personal problem and we hugged and cried together? Do you remember when that happened? Here you are saying that I don’t really care about you?” In hearing this, the employee looked at the supervisor and began to reflect upon their prior relationship and the way the manager felt about her. The tenseness and formality in the room softened. The two women talked for some time about the past and their better times together. An open conversation unfolded and they settled their differences.

The strained relationship between these two workers was restored when they recalled and discussed past events that demonstrated the concern and care they had for each other. Bringing these past connections into the present situation enabled them to move through their current difficulties and restore a supportive working relationship:

The parties were able to go back to the discussion of past events because of the open structure of the conversation.
I. Bad Wind

A Hispanic employee and other members of his unit were at a meeting with their manager about upcoming changes in their unit. At one point in the meeting, the frustrated manager slammed a stack of papers onto the table. The employee left the room. He was disciplined by the manager for leaving the meeting. The employee went to the doctor complaining that the actions of the manager had hurt his ears, and filed an EEO complaint against the manager.

The beginning of the mediation was intense. The manager was especially angry, and could not understand either how slamming papers to the table could cause an injury or why the employee would leave the building. Following a caucus, the employee explained a concept in his culture called “bad wind.” He said it is like a curse on you and your family, and when you experience it, you need to get away from it as soon as possible. “When the manager slammed the papers on the desk,” he said, “all of this bad wind hit me.” After he left the meeting, he did not feel comfortable explaining his beliefs to the manager or co-workers, so to save face, he claimed that the manager’s actions hurt his ears. This revelation led to a “tremendous discussion that went on for hours.”

The manager and the employee both apologized and the complaint was withdrawn.

A culturally based interpretation of behavior escalated and made it difficult for the manager and employee to understand each other. The mediation allowed both parties to clarify how they reacted to each other and to achieve a greater awareness of the different interpretations that are assigned to behaviors.

The employee was not comfortable discussing the idea of “bad wind” because he felt it was not a part of other cultural backgrounds. Mediation allowed him to talk about his true reactions and to avoid further deception about why he left the room.
A mail handler had experienced repeated and frequent harassment on the workroom floor because of his sexual orientation. This continued for many years until finally, fed up, he filed a discrimination case. He reported to the mediation with an attorney and, representing management, were the Manager of Distribution Operations ("MDO") and the lead MDO. The employee was intimidated upon entering the room. "They know I’m a homosexual. They don’t like me." The managers had just learned of his sexual orientation upon reading the complaint. They entered the mediation with the apparent attitude: “This is his private matter. So, what was it doing on the workroom floor? He should have kept it at home. Why are we even meeting over this?”

The mediation began with the employee telling of his experiences. There was no sympathy from the managers. The employee continued to tell of fifteen years of badgering and harassment at the bulk mail center, a notoriously macho industrial setting. The managers then began to understand the ordeal that the employee had undergone and they were visibly moved. The employee had asked for monetary compensation in his complaint, and now the managers agreed that he was entitled to some compensation. So they called the district manager, asking for $15,000. She refused. They called a second time. She refused again. They called a third time. She still refused, and it became clear that they would not be able to settle the case.

At this point the managers asked: “Can we give him something without settling?” The specialist, who was in the room, responded: “You can do whatever you want to do.” They answered: “We want to give him a transfer to a different office. We want to give him two weeks of administrative leave prior to going to his new assignment so we can get it set up that he doesn’t have to come back to this kind of environment again. We want to apologize to him.” The specialist replied: “You can do all that, but you know that you’re not going to get the EEO case dropped.” They responded emphatically: “We don’t care. It’s the right thing to do.”

Even though the case was not settled, the employee concluded the mediation with great gratitude: “Thank you. You know, and you understand.”

The employee was able to speak in a way that enabled him to feel
fully understood. On hearing the nature and extent of the employee’s experiences, the managers responded compassionately and wanted to provide what they felt were appropriate compensatory offers.

The employee was grateful for the opportunity to express himself and for the managers’ willingness to understand the treatment he had experienced.

This case provides a clear example of how interactions can change, and value can be achieved from mediation, independently of settlement.
K. A Seasonal Schedule

A dispute arose between a letter carrier and a postmaster because the letter carrier found it impossible to make all the stops she was supposed to make within the 7½ hours of her normal shift. The postmaster was new and took a real hard line with this carrier on the time issue. He said she could not have overtime to complete the route and that he was tired of having the overtime option abused in the past. The carrier leveled a complaint against the supervisor about the work demands.

During the mediation it was revealed that when the time study was done for the carrier’s route, it was not representative of the amount of work required year round to finish the deliveries. The route was in a resort area near the shore and the time study was done in February—on the “off season.” So, even though on paper it looked like she was dragging her heels, it actually was impossible for the carrier to complete the route during the busy summer season. Looking at this important piece of information, they both came to understand that it was unrealistic to expect the carrier to finish the route on time during the summer months.

The postmaster was reluctant to admit this at first but seeing how frustrated the carrier was, he acknowledged the workload concerns of the employee and revised the expectations he held for the work schedule.

This conflict escalated because an important piece of information about the delivery route was not known by the supervisor. The negative view of the carrier’s competence was overturned by the “news” that was revealed during the mediation session.

Although it was somewhat difficult for the supervisor to revise his view of the employee after having been critical of her, he let go of his face-saving concerns and became more responsive to the employee’s concern about workload. This turnaround could be crucial in establishing the credibility of the supervisor in his new managerial post.
L. No Accommodation

A man applying for employment with the Postal Service was angry because he was not given proper accommodation for his disability when he took the qualifying examination. He filed an EEO complaint against the woman who was responsible for administering the exam.

In discussing the situation during mediation, the man made the claim that he did poorly on the exam because of the failure to make accommodations for his disability. "How do you know you did poorly?" the administrator asked. "Well, I got a 79 and I’ve talked to other people," was his response. The administrator explained that 79 is not a poor score and proceeded to show him where he stood for possible hiring at three different sites. "This is new information," he said. "I thought I had done really poorly and I’m actually in the running!"

The administrator proceeded to explain the process for providing accommodations and how requests for accommodation are made. The man learned that he had not provided the necessary information in order for accommodations to be made. In the course of talking about her job, the administrator revealed that she has a daughter who has a disability, expressing that she not only wanted to do the "right thing" for people with disabilities but that she had a personal commitment to do so.

With his new awareness that: (1) he had not performed as poorly as he had thought; (2) he bore responsibility for the lack of accommodation; and (3) the administrator understood his situation and wanted to be supportive, he withdrew his complaint.

The opportunity to express his concerns completely led the employee to be open to hearing information that contradicted the opinion he held entering the mediation.

Mediation made possible a personal connection between these two people, who had not met each other before entering the mediation room.
M. A Changed Approach

An employee believed his supervisor was harassing him, so he filed an EEO complaint. As the mediation began, the employee was very angry and made vehement claims of harassment. The supervisor listened quietly and attentively, and he and his representative calmly presented documents and policies refuting the claims of harassment. This pattern of interaction continued, with the mediator summarizing the points each party presented. In a caucus, the supervisor volunteered: “I don’t think I’m getting my point across. All these papers and policies don’t seem to be working. I think we need something else.” The process had allowed him to gain some insight on the effectiveness of his manner of approaching the employee.

When the mediation resumed, the supervisor demonstrably set his papers aside and said: “You know, I know you feel like this is harassment. I want to tell you that it’s not.” The tone in the room changed as the employee heard for the first time that the supervisor had listened to his complaint. The employee softened and began to describe his need for hip surgery and the need for more work hours to help pay for it. He became aware for the first time that his doctor had recommended him for light duty because of his hip problem and, as a result, management had not been able to recommend him for extra work hours.

Together the employee and supervisor began to talk about the history of their relationship and the context in which the complaint arose.

During this mediation the supervisor thought about and reconsidered the approach he was taking in this conflict. He moved from taking a defensive legalistic posture to making more direct, from-the-heart comments, allowing him to be seen as a person rather than an advocate.

The self-reflection on the part of the supervisor may have provided him a basis for thinking about his interactions with the employee in the workplace itself.
An employee had filed numerous grievances against her supervisor over a fairly short period of time. During the initial part of the mediation the two, employee and her supervisor, engaged in an accusatory discussion that made them both increasingly defensive and angry. As the mediation unfolded, however, the supervisor began to change. She explained more about the nature of her job—what she had to do, how she was held accountable, and what factors made her job difficult. She moved from saying, “I’m your supervisor and this is what I have to do,” to explaining why she had to act in certain ways as a supervisor.

The supervisor decided to discuss her own constraints and the reasons for her actions because she came to see that the employee was feeling vulnerable and was having difficulty even talking with her in the mediation. The supervisor came to understand that: “I’m not dealing with a bad employee, I’m dealing with a power imbalance” and that power imbalance was producing a strained working relationship. The employee listened to the supervisor’s explanations and began to acknowledge the supervisor’s comments. The two women found new ground on which to build a new relationship.

The turning point in this conflict sprang from the important insight that the supervisor gained during the mediation. She saw that the conflict with the employee would not change unless the employee was more comfortable with the manager’s authority. Most importantly, the supervisor realized that she could influence how comfortable the employee felt with the power she had as a manager.
O. Becoming A Stakeholder In the Workplace

An employee was angered by the comments a clerk made to him when he went to pick up his paychecks. The paychecks were handed to him by a talkative clerk who liked to tease everyone, and who was saying things like: “You didn’t deserve this overtime, let’s check your records.” The employee filed a grievance against his supervisor because he felt insufficient attention was being paid to the problem.

In the mediation, the employee’s supervisor heard this complaint about the clerk’s comments, quickly agreed the concern was legitimate and said that it could be easily fixed by having the checks placed in envelopes so the clerk could not see them when he was handing them out. The employee agreed that this was an easy and workable solution to the problem.

Although this agreement was reached quickly, the employee and supervisor kept talking for over an hour. The employee—who was known to be a meticulous worker—offered a number of suggestions and asked several questions about the way things were done in the office. The two continued to have a discussion that was much broader than the original, easily solvable conflict. The mediator sensed that the employee wanted to be seen as a part of a group of employees who were stakeholders in what was happening in the workplace beyond their own personal circumstances.

Mediation afforded this employee an opportunity to address a frustrating concern and to solve it quickly. But it also allowed him to engage in a broader discussion about a range of issues that demonstrated he was interested in the workplace as a whole and could make valuable contributions to it.

The mediation offered a forum for this supervisor and employee to change the nature of their working relationship—it allowed the employee to partner with supervisor in thinking creatively about changes in the workplace.
An employee who was of a different race than his supervisor believed that his supervisor had been treating him disrespectfully. He filed a complaint and the case was mediated.

As the mediation started, the employee had a long list of complaints about the manager's behaviors. In response, the supervisor became defensive and interrupted repeatedly saying, "I want proof." The employee brought a large stack of material and continued to present his side. He said: "Before I answer your questions, I want to finish my statement." He continued to describe the series of indignities he believed he had experienced. As the employee finished his complaints, the manager uttered a huge sigh and his demeanor began to grow calmer and more receptive. Sliding closer to the table, the manager responded: "I know what you mean." Being somewhat surprised at the comment, the employee became more attentive, and looked at the manager. The manager continued, telling a story about how he was unfairly demoted one time at work. At one point, the manager said: "I know what it's like to be treated like a nobody by your boss."

The two men then talked about their experiences, and agreed that they both should attend diversity training at a local community college. The complaint was withdrawn.

The opportunity for the supervisor and employee to openly express themselves revealed similar experiences which led to a much greater understanding between them.

The willingness to learn about diversity and how it may affect their interactions is an important sign of the possible long-range effects this mediation might have.
IV. KEY ANALYTICAL THEMES

Just as each of the people described in these cases is unique with his or her own individual life experiences, each of the mediations that are depicted had its own unique character. Yet despite the differences in the participants and the mediations, there were common threads that transcended the boundaries of uniqueness. Aspects of the interaction between participants were remarkably similar. Participants came to new understandings that, although specific to the details of the case, shared similarities. These common threads are the themes that were present in the data, representing the positive effects of mediation on the participants. These themes help us understand what lies behind the high levels of satisfaction that REDRESS participants report—they provide a view of what the actual experience of mediation was like for participants.

In the 227 pages (11,722 lines) of data represented in the focus group transcripts, resulting in the thirty-four distinct cases, sixteen of which were described on the preceding pages, there were eight themes that emerged. These themes are described below along with a specific illustration of how the theme was manifested in two of the cases. It should be noted that quite possibly all or most of the themes were present in every one of the mediations here described. But due to the level of detail provided by the focus group participants, not all of the themes are evident in the descriptions. Each case provides a particularly vivid illustration of at least one theme.

A. The Manner In Which Participants Express Themselves Changes: From Strong Emotion to Calm, From Defensiveness to Openness, and From Speaking About or at the Other Party to Interacting with the Other Party

Participants often came to the mediation expressing strong emotion, usually anger or fear. Faces were flushed, voices were trembling, strong and harsh words were spoken. Defensiveness was prominent—supervisors were certain they “did nothing wrong” and employees reported intensely experiences of “being disrespected.” Although participants may have felt great clarity about what they believed had happened, there was confusion about what they, or anyone else, could do about it and what the likely outcome would be. In addition, the “conversation” often began with one party “presenting a case” to the mediator, or reading a list of offenses.
Over time, sometimes quickly and sometimes quite slowly, parties changed the ways they expressed themselves and how they interacted with one another. Voices became calmer and words became less harsh. Participants became aware that the other party experienced the events of the conflict quite differently and that, at least, there was another way to think about past events. Parties began to demonstrate that they understood better what happened and what their current choices were. Body posture changed—participants faced one another and began to interact directly.

This transformation in the manner of interacting is clearly represented in the case *Bar Talk* (A). The craft employee seemed to be getting nowhere in presenting his case to be reassigned as a maintenance worker. The supervisor repeatedly defended his prior decision not to allow the change in craft. An after-hours incident in a topless bar was brought up and the atmosphere grew still tenser. Yet the discussion of this incident formed a crude-language communication link that enabled the two to discuss the work situation more openly. The supervisor explained for the first time that the denial of reassignment had been due to the employee’s poor work habits. As a result, both parties became receptive to considering ways that the employee could demonstrate improvement in his work habits.

A similar shift occurred for the upper manager in *If I Had To Do it Over Again* (B). He entered the mediation strenuously defending his actions against the line manager, but eventually he acknowledged how his behavior may have adversely affected the line manager. The interaction began with a tone of anger, hurt, and defensiveness, but evolved to a calm, open, and straightforward conversation.

### B. Participants Interact More Confidently and Competently as the Mediation Progresses

Many participants entered the mediation room unsure of themselves. Although they were certain that they had been wronged, they had no idea what was going to happen during the mediation session. “How can I let him know how he hurt me?” “How is she going to react?” “What if he gets really mad?” People are not at their best in these circumstances. The well-thought-out speech does not come out as planned. It is more difficult to think quickly and react well to what the other party is saying.

But a perceptible change took place during the mediation sessions. Formerly tentative participants spoke boldly. Parties who had difficulty
even being in the same room with each other conversed comfortably. Fuzzy, rambling thoughts became focused and coherent.

This is well illustrated in the case *A Reason to Talk* (C). The supervisor, against whom the complaint was filed, previously had negative interactions with the complainant's representative. The supervisor believed she was in physical danger and was paralyzed by a mixture of seemingly contradictory needs. On the one hand, she was afraid to be in the same room with the employee's representative. On the other hand, she wanted to get the matter settled and did not want the representative spreading false statements about her. Prior to the mediation, she emphatically expressed those sentiments with the exclamation: "I don't want him to talk to me and I don't want him to talk about me."

The mediator met with her privately prior to the mediation, and helped her think through what she would like to accomplish and how she could communicate her concerns. The clarity that came from that conversation gave her the confidence to proceed with the mediation. She had a frank and open discussion with the complainant, whose representative was also in the room, and they agreed on ways to interact with one another in the future. This dramatic transformation from fearful and reluctant participant to capable and confident supervisor led her boss to exclaim: "That was a miracle!"

The theme of developing confidence is also evident in *I Did it Myself* (D). Shortly after the mediation began, the employee became overwrought and left the room, exclaiming: "I can't deal with this any more." When she observed that no one tried to change her mind, she realized that it was up to her to resolve the matter. She came back to the room, expressed her concerns to the manager with renewed confidence, and worked out a solution.

**C. Interactions Between Participants That Are Negative and Difficult Often Lead to Discussions That Are Positive and Productive**

Many mediation sessions were tense and emotionally charged. Harsh and angry words were spoken. Strong accusations were leveled about violations of rules, unsatisfactory work habits, dishonorable motives, and disrespectful treatment. In other cases, there were powerful feelings of hurt that led participants to tears. In still other circumstances, fear and anxiety led to great reticence to participate.

When these negative responses and interactions occurred, the mediators did not attempt to stifle or limit their expression. Instead, they assisted participants in processing these experiences, in talking about the
events and circumstances that led to their negative reactions. This had the effect of surfacing new information and promoting greater awareness of what had happened and why. This, in turn, helped the parties to engage in fruitful and more positive discussions.

There is a connection between the first two themes and this one. The strong emotion, defensiveness, and tendency to speak about or at the other party described in Theme A are characteristic of the negative interactions discussed here. When participants are allowed to talk openly about their experiences, the positive aspects of their interaction described in Theme A emerge—calmness, openness, and interactions with the other party. Another consequence is the confidence and competence described in Theme B.

This negative-to-positive pattern is depicted well in *Bottled-Up Feelings* (E). The employee had filed a complaint because she had experienced offensive treatment by her supervisor. When the mediation began she was afraid of what her supervisor’s reaction would be so she was uncommunicative and did not talk about her feelings. Eventually, though, she could contain her emotions no longer and began to cry. The mediator gave her the opportunity to talk about what led to her sense of hurt. She discussed incidents with her supervisor and how they affected her work and her home life. This was an entirely new awareness for the supervisor, who then worked cooperatively with the employee to settle their differences.

This theme is plainly depicted in other cases as well. The employee and supervisor in *We Don’t Like Each Other* (F) leveled strong criticism against each other. As the discussion continued they became clearer about the nature of their concerns, and the interaction evolved to a helpful conversation in which they distinguished their feelings about one another from their ability to work together.

**D. Participants Establish or Re-establish Personal Connections with One Another**

Some mediation participants had known each other a long time, sometimes outside the employment setting but most often just through work. Their histories with one another enabled them to know each other on a personal level—they knew about each other’s families and they knew about favorite pastimes. But the events of their conflict overpowered these relationships such that the focus shifted to perceived wrongs or mistreatment. Mediation gave participants the time and space to discuss these hurts and, in so doing, to remember the relationship they once
had. Thus, in the process of talking about how to address their workplace concerns, they revived and built upon their former personal connections.

Other mediation participants had limited prior personal relationships. In fact, some met for the first time at the mediation session. But the opportunity to interact with one another about the conflict situation frequently led participants to become aware of something in common—similar life situations or comparable experiences from the past. They came to know each other at a deeper, more personal level.

The Past In the Present (G) illustrates this latter circumstance well. Although the employee and supervisor had worked with each other for some length of time, they did not have the opportunity to know much about each other’s life. The issue centered on the employee’s documentation of an illness, and in discussing the matter the employee revealed how his illness was related to his experiences in the Vietnam War. The supervisor had also served in Vietnam but the two had not known that they shared this life-shaping experience. They turned the clock back thirty years and re-lived some of their experiences. A bond was forged because they understood what each had withstood. This understanding led the supervisor to afford the employee some leeway in dealing with his illness.

An opportunity to reflect on a past relationship is evident in Do You Remember? (H). There was a difficult discussion by the craft employee and her supervisor over differential treatment. The supervisor brought up a prior problem that they had overcome together as evidence that she did, in fact, care about the employee. This stimulated memories of their past relationship and how the manager had demonstrated strong personal support in the past.

E. Participants Gain New Understandings During the Mediation About the Other Party and Their Actions

During the course of the discussion that occurred in mediation, participants came to understand, in some measure, the perspective of the other party. At the start of the mediation, participants were convinced that they had been mistreated or misunderstood by the other. Eventually, as a result of the conversation, they learned about another perspective on the situation, and that the other party’s actions could be understood differently.

In Bad Wind (I), a Hispanic employee filed a complaint against his supervisor because, at a meeting, the supervisor had slammed a stack of papers onto the table. The employee claimed this hurt his ears and thus
left the meeting. The supervisor was furious at the insubordination of the employee in leaving the meeting. Over the course of a lengthy discussion during the mediation, the employee explained the concept of “bad wind,” which is like a curse that one must retreat from immediately. When the manager slammed his papers onto the table, he created bad wind, from which the employee believed he needed to escape—thus he left the meeting. The employee created the story about damage to his ears, he said, because he was embarrassed to talk about bad wind. This was a great revelation to the supervisor and the employee’s behavior now made sense. This understanding led to mutual apologies and withdrawal of the complaint.

There are many other similar stories. In Gay Bashing (J), previously unsympathetic supervisors developed sincere compassion for the gay employee who had experienced repeated harassment from co-workers because of his sexuality. This led the supervisors to offer an apology, a transfer of workstations, and support for monetary compensation.

F. Participants Gain New Understandings During the Mediation About the Situation

This theme is a companion to the prior theme. Participants not only developed insights into the motives and actions of the other party, but also they achieved a new understanding of the events in the conflict situation. In most instances, they came to mediation with what they thought was a clear understanding of what happened. But in the interaction there was new information and participants heard different perspectives, and they came to comprehend the conflict in new ways.

For example, in A Seasonal Schedule (K) a postmaster and letter carrier were in dispute over the time the carrier took to complete her route. She could not complete all the stops within a normal shift and wanted overtime pay. The postmaster replied that a time study showed she should be able to complete the route in a normal shift. It would be an abuse of overtime to pay her beyond the normal shift. During the interaction it was revealed that the time study was done in February. The route was in a resort area and the number of stops dramatically increased during the summer months. With this new understanding of the work situation, the two worked out a revised set of expectations for the route.

Similarly, in No Accommodation (L), the applicant for Postal Service employment learned that his test score was not as poor as he thought. Further, he became aware that he had not provided sufficient documentation to receive accommodation for his disability during the testing.
G. Participants Gain New Understandings During the Mediation About Themselves and Their Own Actions

Most participants entered mediation with an overwhelming sense that they had been treated badly or had been misunderstood. From the employee's perspective, the boss had embarrassed, intimidated, or disrespected them. From the supervisor's perspective, the employee had deserved to be reprimanded or had not understood why the supervisor needed to do what had been done. There was little awareness of one's own contribution to the conflict.

During the mediation interaction, the participants had the opportunity to describe how they were treated badly or misunderstood. They also had the opportunity to hear and understand the other person's point of view. This interchange often led to a revised understanding of the conflict. Many participants then re-examined their role in the conflict and, more generally, came to a new awareness of the impact of their own actions on others.

A Changed Approach (M) illustrates this phenomenon well. The employee claimed that his supervisor was harassing him, and repeatedly and angrily said so during the mediation. The supervisor had prepared for the mediation, and for each claim the employee made, the supervisor presented a document or policy to refute it. But the employee's angry claims continued. During a caucus, after an extended period of this type of interaction, the supervisor expressed the realization: "All these papers and policies don't seem to be working. I think we need something else." When the mediation resumed, he communicated to the employee that he understood how the employee might think he was being harassed. The employee felt, at last, that he was understood and the two were then able to work further on the complaint. It was the awareness that came to the supervisor about how his manner of relating to the employee was influencing the interaction that led to the shift.

In Living With Power (N), as the supervisor defended her actions toward the employee, she became increasingly clearer about the contribution she, in her role as supervisor, made to the conflict. The mediation interaction helped the supervisor understand that the negative contacts she had with the employee were not because of bad behavior by the employee but were the result of the power she held as supervisor.

It is worth pointing out that Themes E and F are causally linked to this theme. In other words, parties were more likely to consider or eventually admit their personal role in the conflict once they achieved a new understanding of the other party or the situation. The tendency to
externalize blame for what happened—"It's his actions. I'm an innocent victim."—characterized attitudes at the start of mediation gave way to greater introspection once there was increased understanding of the other party’s circumstances or the situation. This pattern is evident in several of the cases, including We Don't Like Each Other (F). The frank conversation that the employee and supervisor had led to new understandings of each other and their work. This understanding helped them reflect on their capability to separate their personal feelings for each other from their capacity to work together.

H. Discussion of a Specific Incident Often Leads Participants to Talk About Larger Issues That Are Significant to Their Relationship and the Workplace

Employees filed their cases following a specific incident or series of incidents in which discrimination was claimed. It may have been an event in the workroom, a contested decision, words spoken at a meeting, failure to attend to a problem, or from any of a multitude of other interactions that occur daily in the workplace. During the mediation, the employees had the opportunity to talk about the incident and why it was significant.

This opportunity enabled the participants not only to gain increased clarity about this precipitating event, but also to broaden the discussion. Perhaps the incident was perceived to be symptomatic of more general concerns about the supervisor or the work environment. Perhaps the conversation reminded participants of other concerns they had. Possibly the sense of accomplishment and satisfaction derived from dealing with one issue gave participants the courage and energy to talk about larger issues. Whatever the reason for this pattern of interaction, it occurred often.

The theme is evident in Becoming A Stakeholder in the Workplace (O). The employee filed a complaint against his supervisor because he believed that the supervisor had not adequately dealt with actions of the pay clerk. In handing out payroll checks, the clerk had been teasing employees about the amount of overtime work. The employee and supervisor discussed the incidents leading to the complaint and agreed on a way to keep the checks confidential. Even though the matter was settled to the satisfaction of both, the two remained in conversation for over an hour to discuss additional issues relating to procedures in their office.

This pattern of opening up the discussion to larger issues is also evident in Treated Like a Nobody (P). Discussion of incidents of per-
ceived disrespectful treatment led the employee and supervisor to consider, more broadly, how they both might benefit from diversity training. These themes provide a summary of the positive impacts of mediation that were evident in the cases. Changes occurred, sometimes subtle and sometimes dramatic, that were significant in the lives and work of the participants. It is important to highlight the fact that these positive effects resulted from the opportunity, made available through REDRESS\textsuperscript{TM}, for participants to talk about their concerns in an open exchange. These impacts can occur only within a dispute resolution process that supports a free and open interaction between participants, one where mediators avoid directive and leading responses and are comfortable with open expression of emotional conflict.

V. CHALLENGES FOR THE CONTINUED SUCCESS OF THE REDRESS\textsuperscript{TM} PROGRAM

As noted earlier in this report, the REDRESS\textsuperscript{TM} program is built upon a particular theoretical orientation to mediation practice: the “transformative” orientation as articulated by Bush and Folger\footnote{6} and others.\footnote{7} The transformative orientation to mediation was selected by the USPS because it emphasizes the fundamental value of constructive changes in the parties’ conflict interaction independently of whether or not a settlement agreement is achieved, and provides practical guidance for mediators for maintaining a focus on these changes in interaction, and the potential for them, in the course of a mediation session. The emphasis of the transformative orientation to mediation practice is consonant with the USPS goals of improving workplace interactions.

It is apparent across the case descriptions in the preceding section that the practice orientation of the mediator is critical to supporting the kinds of constructive changes in interaction that have been documented. These positive outcomes would not have been possible with an adversarial process or one that imposed direction on the parties’ discussions. As one specialist explained it, when asked why she thought particular changes in interaction occurred during mediation, a key factor is “having

\begin{footnotesize}
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\item 6. See Bush & Folger, supra note 2; Folger & Bush, supra note 2; see also Joseph P. Folger & Robert A. Baruch Bush, Ideology, Orientations to Conflict, and Mediation Discourse, in NEW DIRECTIONS IN MEDIATION: COMMUNICATION RESEARCH AND PERSPECTIVES (Joseph P. Folger & Tricia S. Jones eds., 1994) (demonstrating how the discourse that occurs with mediation is linked to broad ideological orientations about the social world, its processes and structures).
\item 7. See Antes, supra note 3; Della Noce, supra note 3; see also Sally G. Pope, Inviting Fortuitous Events in Mediation: The Role of Empowerment and Recognition, 13 MEDIATION Q. 287 (1996).
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mediators who are really attuned to as close to transformative as they can get.” The continued success of the REDRESS™ program in effecting constructive workplace change depends upon the adherence of each mediator to the transformative framework.

In the course of the interviews with mediators who had conducted mediations for REDRESS™, and the specialists who had observed and evaluated mediators, certain challenges emerged with some consistency. These challenges can be organized into two broad categories: personal and professional challenges and institutional challenges.

A. Personal and Professional Challenges

Mediation is not a monolithic practice—there are many different expressions in the literature of the goals of mediation and how a mediator should achieve those goals in practice. Thus, not all mediators share the same goals or apply their skills in the same way.

Organizers of the REDRESS™ program, aware of the differences in mediators’ practices, undertook to train all of its potential mediators in the transformative approach to practice, no matter what the previous experience level of the mediators. It was then left for the individual mediators to decide, after training, whether they were willing and able to engage in this particular form of practice. Those who indicated a willingness to adhere to the transformative model then conducted one pro bono mediation, during which a REDRESS™ specialist observed them for faithfulness to the model. Mediators who “passed” the observation were invited to join the REDRESS™ roster.

A number of mediators and specialists reported that the REDRESS™ training was the first real exposure many mediators had to the transformative orientation, and that it generally presented a significant change from their prior training and practice in mediation, and their assumptions about the nature of the mediator’s role. Specialists and mediators alike spoke of the struggle some mediators had in adhering to the model, as a function of the mediators’ (1) comfort with the model, and (2) sense of isolation.

B. Mediator Comfort with the Model

While most mediators who participated in the interviews expressed great comfort with the model, with such comments as “I find it freeing,” and “I prefer the transformative way of doing things,” and even suggesting that it resonated with “who I am as a person,” others were more
challenged by the model. In particular, these mediators reported being challenged both by the fundamental change in goals and skill sets that the transformative model required of them, as well as by the even more fundamental attitudes and beliefs about human capacity in the midst of conflict that form the foundation for transformative practice.

1. Goals and Skill Sets

In the interviews, a number of mediators demonstrated an awareness of the differences between the transformative framework for practice and other approaches to practice with which they were familiar, and more importantly, sensitivity to how these differences might be reflected in their practices. Mediators made many references in the interviews to things they would “normally” have done, or would have done had they been using what they described as “facilitative,” “directive” or “problem-solving” models rather than the transformative model.

Specialists reported that they sometimes saw mediators struggling during their pro bono observations, and going back and forth from transformative to directive practice. One specialist reported that: “Where the mediators are taking control, it’s not as comfortable. It’s just immediately you see everybody sit up straight in their chairs and it’s like, ‘here we are in another hearing.’”

2. Attitudes and Beliefs

For some mediators, the training experience and their experience in trying to follow the model, was not a simple matter of augmenting an existing skill set or acquiring a new skill set. Rather, the training experience provoked deep questioning about their fundamental attitudes and beliefs about the capacity of human beings in conflict, questioning that often continued as the mediators engaged in practice and struggled to modify old practice habits in order to meet the goals of the transformative orientation adopted by REDRESS™. Not only did these mediators have to overcome their lack of familiarity with the model, and examine their basic assumptions about the goals and practices of a mediator, but some also had to confront their own skepticism about the value of a model that honors the capacity of human beings to talk with each other, reach new understandings, and make decisions, in the face of conflict.

If the mediator is not already practicing in the transformative framework, comfort with the beliefs, assumptions and practices of the model may require more of a learning process than any basic training
program alone can provide. And for some, that process may even conclude with their recognition that they cannot and do not wish to practice in this way. This observation, that learning this model is a gradual process for some mediators, actually relates to the second personal and professional challenge expressed in the interviews: a sense of isolation.

C. Mediators’ Sense of Isolation

A number of mediators expressed gratitude for the opportunity to participate in the focus group interviews, and especially to share experiences and insights with other mediators who are participating in the REDRESS™ program. Mediators found the focus group discussions to be educational and a much-needed opportunity for peer feedback on their own practices.

It is the nature of mediation that it is usually practiced in isolation, with only the parties as a potential source of feedback. This isolation is more keenly felt when adjusting to the unfamiliar contours of a newly-encountered form of practice.

One mediator worried: “I’m not sure if I’m doing this job very well or not,” and suggested that without feedback on the quality of his practice, he cannot evaluate and change those things that are not appropriate. He suggested that he was most interested in the survey comments the parties made about their experience in mediation, but that this information is not available to him except in the aggregate, as an overall national or regional level of satisfaction. Such aggregate data does not help him reflect on and improve his practice.

Other mediators attributed their sense of isolation to their low overall caseload from REDRESS™, also suggesting that this made their opportunities to improve their competence in transformative practice relatively infrequent. Still others noted that they would find some form of feedback from the specialists, or even their peers, to be immensely helpful.

D. Institutional Challenges

One final group of challenges identified by mediators has to do with the institutional context that supports the mediation program. While most mediators noted, with gratitude, the evident support of the USPS for the REDRESS™ program, at various levels including headquarters, supervisors, specialists, union representatives and employees, the comments of others suggest that even the most supportive institutional con-
text presents unique challenges. Those most commonly mentioned are highlighted here.

1. Authority and Relevance of Those at the Table

A number of mediators struggled to conduct mediations in situations where it was not clear who had the authority to make certain decisions pertinent to the case being mediated, or what the extent of that authority was. Some mediators encountered managers who were not sure they had the authority to make certain decisions in the mediation, and if those managers then called their superiors for guidance, they sometimes were not available. This inhibits the ability of the parties at the table to make their own fully-informed decisions.

Mediators also expressed concern that, on occasion, a key person directly involved with the conflict was not the person who appeared at the table. Rather, sometimes it was a "higher up" who appeared. As the mediators expressed it, this is contrary to the intent of the program, that those who are involved in destructive interpersonal interactions have a chance to talk face-to-face, reach new understandings, and decide how to proceed. And, if apology is one of the remedies that matters most to the complainant, the absence of the person from whom the apology is sought stands directly in the way of at least that opportunity for constructive change.

2. Understanding of Process

Mediators also identified as a challenge those situations in which one of the parties in the room—a manager, a union representative, a party, a lawyer—does not understand the REDRESSTM process and its goals. In such cases, mediators found that the open and direct communication that is fundamental to the transformative framework can be subverted by litigiousness and adversarial posturing. In such cases, the mediators reported that the party who does not understand REDRESSTM appears to operate from the assumption that the process is an arbitration or a hearing.

VI. CONCLUSIONS

This study offers a close look at the ways in which workplace conflict is transformed in mediation. It demonstrates how mediation can allow for and support productive shifts in the ways co-workers interact.
with each other and, as a result, move conflict in a productive direction. Regardless of what the specific outcomes of the mediation were, the case descriptions suggest that these positive outcomes hinged on significant changes in how people communicated with each other.

The changes in communication described in the mediation cases are sometimes subtle and sometimes profound. Co-workers say things to each other during mediation that convey new meanings, provide new information, trigger a reconsideration of past events, or produce significant shifts in what someone believes to be true. They also respond to each other in ways that acknowledge each other’s point of view, challenge interpretations of events, and shape how they would like to be seen. Whenever changes like these occur, people become clearer about what they want to do about the existing conflict. New understandings of past events and each other allow people to become more confident about the decisions they want to make and the impact of these new understandings on their workplace relationship.

Not all of the conflicts that the REDRESS™ mediators and specialists summarized were completely resolved at the end of the mediation sessions. Dealing with interpersonal and cultural differences, misunderstandings, perceptions of inequity, or changes in the workplace requires on-going management of conflict. What is most striking about these co-worker mediations, however, is people’s willingness and ability to engage in the challenging and sometimes frightening work of managing difficult conflicts. This study suggests that employees can work through conflicts when they are given the opportunity to talk openly with each other in an environment that emphasizes their ability to make decisions for themselves, and supports the possibility of achieving greater understanding of each other.

The case descriptions of mediation summarized in this study are consistent with the goals and expectations for mediation practiced within a transformative framework. The themes that emerged would only be supported by a nonadversarial form of practice that does not direct the parties’ discussions. The USPS REDRESS™ program explicitly adopted a transformative model of mediation in an effort to ensure that mediation provided a true alternative to more directive forms of conflict intervention that do not support potential shifts in employees’ relationships. The training that mediators in the REDRESS™ program received in transformative practice placed a clear emphasis on processes of empowerment and recognition as the primary goals of mediation prac-

8. See BUSH & FOLGER, supra note 2; Folger & Bush, supra note 2.
tice. It stressed the importance of allowing people to clarify the nature of their conflict, make their own choices and achieve greater understanding of the perspectives and viewpoints of the other person. The results of this study suggest that mediators in the REDRESS™ program met the challenges of this form of practice and supported the transformation of employees' conflict interaction.